

**ZB# 90-30**

**Rose / Ruggiero**

**57-1-36.12**

**RETAKE  
OF  
PREVIOUS  
DOCUMENT**

**ZB# 90-30**

**Rose / Ruggiero**

**57-1-36.12**

Prallan,

Sept. 24, 1990,

Motion to schedule.  
P.H.

① Photos

② Deed (Case) or title

& Title Report of  
Policy.

Paul R...

Public Hearing:  
November 26, 1990

Notice to Sentinel  
on 10/10/90.

Collect fee \$25.00  
Paul

Area Variance  
for Street  
frontage  
Granted  
11/26/90

#90-30 - Ruggiero, Paul  
Insuff street frontage.

# General Receipt

TOWN OF NEW WINDSOR

555 Union Avenue  
New Windsor, N. Y. 12550

11759

NOV. 27 19 90

Received of

Serena Ruggiero

\$ 25. <sup>00</sup>/<sub>100</sub>

Twenty-five and

00

DOLLARS

For

ZBA Application Fee #90-30

DISTRIBUTION:

FUND	CODE	AMOUNT
<u>Obj# 1601</u>		<u>25.00</u>

By

Pauline M. Townsend  
es

Town Clerk

Title

NEW WINDSOR ZONING BOARD OF APPEALS

-----x

In the Matter of the Application of

DECISION GRANTING  
AREA VARIANCE

RONALD J. ROSE, FRANCES A. ROSE and  
PAUL RUGGIERO and SERINA RUGGIERO,

#90-36.

-----x

WHEREAS, RONALD J. ROSE and FRANCES A. ROSE, owners of certain property located on Jackson Avenue, New Windsor, N.Y. 12553, residing at R. D. #1, Box 692, Campbell Hall, N.Y. 10916, and PAUL RUGGIERO and SERINA RUGGIERO, the prospective purchasers of said property, residing at Orange Lake Mobile Park #26, Walden, N. Y. 12586, have made application before the Zoning Board of Appeals for 1.5 ft. street frontage variance to construct a single-family residential dwelling on said parcel in an R-1 zone; and

WHEREAS, a public hearing was held on the 26th day of November, 1990 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the applicant, PAUL RUGGIERO, appeared on behalf of himself, and on behalf of one of the owners, FRANCIS A. ROSE, pursuant to a written authorization, and spoke in support of the application; and

WHEREAS, the public hearing was attended by three (3) spectators who did not oppose the application, but who raised concerns, unrelated to the requested variances, to wit, Mr. Schaffner, who stated that his only concern was that the proposed septic system not be built within 100 ft. of the stream. The applicant has not yet sited the house and septic system on the property. This issue will be addressed by the applicant's engineer and the Town of New Windsor Building Inspector at the appropriate time. Mr. Lulves questioned the right-of-way to the Mastowski residence. The applicant responded that his attorney was preparing an easement over the common driveway. Mr. Campbell had no objection to the application; and

WHEREAS, the application was unopposed; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.

2. The evidence shows that applicants are seeking permission to vary the bulk regulations with regard to the

street frontage in order to construct a single-family residential dwelling in an R-1 zone.

3. The evidence presented by applicants indicated that for applicants to construct a single-family residential dwelling which would meet the bulk regulation for street frontage would cause practical difficulty and significant economic injury since the lot in question is 2.82 acres in size and meets all other area requirements stated in the code except for a deficiency of only 1.5 ft. street frontage and to deprive the applicant of a reasonable use of the land in question would be economically disastrous. The applicants, RONALD J. ROSE and FRANCIS A. ROSE, do not own any adjacent property and thus are unable to meet the applicable minimum street frontage requirement.

4. The evidence presented by the applicants further indicated that the applicants would suffer significant economic injury from the strict application of the minimum street frontage requirement to this lot since there would be little reasonable use for this large parcel due to a minimal deficiency in street frontage of only 1.5 ft.; rendering a substantial size parcel of land substantially underutilized and undervalued.

5. It is the finding of this Board that the applicants have made a sufficient showing of practical difficulty entitling him to the requested area variance.

6. The requested variance is not substantial in relation to the bulk regulations for street frontage given the over all size of the lot in question and the minimal variance requested.

7. The requested variance will not result in substantial detriment to adjoining properties or change the character of the neighborhood.

8. The requested variance will produce no effect on the population density or governmental facilities.

9. That there is no other feasible method available to applicants which can produce the necessary results other than the variance procedure.

10. The interest of justice would be served by allowing the the granting of the requested variance.

NOW, THEREFORE, BE IT

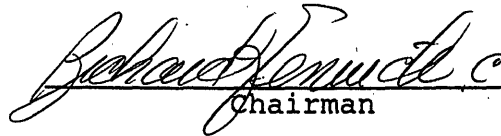
RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a 1.5 ft. street frontage variance sought by applicants in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER,

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to

the Town Clerk, Town Planning Board and applicant.

Dated: January 27, 1992.

  
Chairman

(ZBA DISKbu#3-053085.FD)



ROSE N. RUGGERIO:

MR. LUCIA: Back in November 26th of last year, we had an application by Rose and Ruggerio for an area variance off Jackson Avenue. You may recall that was the one with, where they were buying property with very small road frontage and we voted to grant the variance. I have been sitting on the formal decision because I never got a copy of the deed or title report and I now understand that the deal is falling apart. So, we probably should just have a motion to table it so it doesn't sit open forever.

MR. KONKOL: I'll make the motion we table the Ruggerio matter.

MR. NUGENT: I'll second it.

## ROLL CALL:

Mr. Torley	Aye
Mr. Finnegan	Aye
Mr. Petro	Abstain
Mr. Konkol	Aye
Mr. Nugent	Aye
Mr. Tanner	Aye

May 31, 1991

Rec'd. ZBA -

6/5/91.

Dear Mr. Fenwick,

We request to have  
our variance extended on  
Jackson Ave. Sec. 57, Block 1,  
Lot 36.120. The variance was  
originally given to Mr & Mrs.  
Paul Ruggiero with our  
permission on Dec. 1990.  
Enclosed you will find a  
copy of the deed & title  
search with a letter from  
our attorney. Please notify  
us if there are any  
complications.

Very Truly Yours,  
Mrs. Frances Roe  
Box 692 - RD 1  
Campbell Hall - N.Y.  
10916  
(914) 496-9022

KENNETH D. JOHNSON, P.C.

ATTORNEY AT LAW

FIVE BANK STREET

P.O. BOX 272

WALDEN, NEW YORK 12586

KENNETH D. JOHNSON

BARBARA A. IBBERTSON  
LEGAL ASSISTANT

(914) 778-5525

FAX (914) 778-7423

May 29, 1991

Mr. and Mrs. Ronald Rose  
R.D. #1, Box 692  
Campbell Hall, New York 10916

Re: Premises located on Jackson Avenue, Town of New Windsor

Dear Ron and Fran:

I enclose herewith a photocopy of the deed to the above premises, which you purchased from the County of Orange in December of 1986. As you know, our office then undertook an Article 15 proceeding in connection with the premises and I enclose herewith a copy of the Judgment. The Judgment affirms that you are the owner in fee simple of the above premises. Should you require anything further, please advise.

Very truly yours,

Kenneth D. Johnson, P.C.

By: Kenneth D. Johnson

KDJ/cv  
encs.

THIS INDENTURE, made the 15 day of DECEMBER, 1986, between the COUNTY OF ORANGE, a municipal corporation with offices at 255-275 Main Street, Goshen, New York, party of the first part, and RONALD J. ROSE and FRANCES A. ROSE both residing at Box 492, R. D. #1, Campbell Hall, New York 10916

party of the second part,

WITNESSETH, that the party of the first part, in consideration of \$23,000.00 DOLLARS, and other valuable consideration paid by the party of the second part, does hereby remise, release and quitclaim unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of New Windsor, designated on the Orange County Tax Map as:

SECTION 57, BLOCK 1, LOT 36.12

BEING the same premises conveyed to the County of Orange by deed dated September 10, 1986, and being recorded in the Orange County Clerk's office on September 11, 1986, in Liber 2572 of Deeds at Page 168, said property being formerly owned by Licoma Corporation.

TOGETHER, with all right, title and interest, if any, of the party of the first part of, in and to any streets and roads abutting the above-described premises to the center lines thereof, TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises, TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

COUNTY OF ORANGE

  
LOUIS HEIMBACH  
COUNTY EXECUTIVE

STATE OF NEW YORK, COUNTY OF ORANGE, ss:

On the 15 day of December, 1986, before me personally came LOUIS HEIMBACH, to me known, who, being by me duly sworn, did depose and say that he resides at R.D. 3, Middletown, New York, that he is the COUNTY EXECUTIVE of the COUNTY OF ORANGE, the municipal corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation, that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the County Legislature of said county; and that he signed his name under the authority of Local Law No. 2 of 1981, as amended.

  
Nancy R. Buehl  
Notary Public

Notary Public  
Qualified in New York  
Commission Expires 12/31/88

LIB 2645 pg 116

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ORANGE-----X  
RONALD J. ROSE AND FRANCES A. ROSE,

Plaintiffs,

-against-

Judgment

LICOMA CORPORATION, ROSE PETTINGILL.,  
ANITA RAIT, WESTCHESTER CONCRETE, INC.,  
TERM INDUSTRIES INC., THE PEOPLE OF  
THE STATE OF NEW YORK,

Index #: 9182/87

Defendants.  
-----X

Present: Honorable Angelo J. Ingrassia, Justice

It appearing by the affidavit of service, in the above entitled action the defendants were served with a copy of the summons and verified complaint, and that none of the defendants have appeared in the action except the People of the State of New York, which filed a Notice of Appearance dated December 21, 1987 and which waived service of all papers & proceedings in said action except the Notice of Application for discontinuance of the action, referees Report of Sale, and notice of all proceedings to obtain surplus monies, and that no copy of an answer or notice addressed to the sufficiency of the complaint has been served on the plaintiff's attorney and that the defendants are now in default, and due notice of this application for judgment has been served on the People of the State of New York through the office of the Attorney General.

Now on motion of Robert F. McManus, attorney for the plaintiffs it is ADJUDGED,

1. The plaintiffs are the owners in fee simple and seised or possessed of real property situate in the Town of New Windsor, Orange County, New York, bounded and described as follows:

ALL THAT CERTAIN PLOT, Piece or parcel of land, situate lying and being in the Town of New Windsor, County of Orange and State of New York, bounded and described as follows:

BEGINNING at a point on the northeast side of the public road Jackson Avenue, said point being the northwesterly corner of the premises herein described, thence along lands now or formerly of Schaffner North 28°24'00" East 22.10 feet to an iron pipe passing through an iron pipe a distance of 508.58 feet to an iron pipe;

THENCE along lands now or formerly of the Ontario Western Railroad on a radius to the left of 1401.90 feet for a distance of 331.67 feet to an iron pipe;

THENCE along lands now or formerly of Lawrence South 39°-30'30" West 334.53 feet to an iron pipe;

THENCE South 39°30'30" West approximately 65 feet;

THENCE South 88°52'40" West 229.23 feet to Jackson Avenue;

THENCE along Jackson Avenue, North 15°24'00" West 68.65 feet to the point or place of BEGINNING.

2. Any claims which the defendants have or might claim to have to the aforesaid premises are without validity and of no force and effect.

3. The defendants and every person claiming under them by title accruing after the filing of the judgment roll, or of the Notice of Pendency of Action, as prescribed by law, be and they hereby are forever barred from asserting such claim, the invalidity of which is established in this action, to the estate or interest in the real property last herein described of any kind of nature whatsoever.

4. That the following instruments and liens be cancelled of record.

a) MORTGAGE - Licoma Corporation to Rose Pettingilli, dated December 11, 1971, recorded in the Orange County Clerk's Office on December 18, 1971 in Liber 1582, cp 384.

b) JUDGMENT - Westchester Concrete, Inc., Creditors against Licoma Corporation, Debtor, in New York Supreme Court, Orange County, docketed February 23, 1978, in the amount of \$3,404.15.

c) JUDGMENT - Term Industries Inc., Creditor against Licoma Corporation, Debtor in the New York Supreme Court, Orange County, docketed March 3, 1978, in the amount of \$4,095.05.

5. That the following instruments be deemed invalid and inferior to the rights of plaintiffs herein:

a) DEED - Orange County to Anita Rait, dated April 30, 1980, never recorded in the Orange County Clerk's Office.

EXTRACT

TEL: 9142943894

Aug 14, 90 11:32 No.004 P.05/05

b) DEED - Rose Pettingill to Licoma Corporation, dated November 11, 1971 and recorded in the Orange County Clerk's Office on December 18, 1971 in Liber 1891 cp 24.

Dated:

October 20 1988

Enter in Orange County:

**HON. ANGELO J. INGRASSIA**

Honorable Angelo J. Ingrassia  
Justice of Supreme Court

**/ALBERT P. PACIONE, SR.  
DEPUTY COUNTY CLERK**

OCT 24 1988

W. & JOHNSON  
ATTORNEYS AT LAW  
100 N. MAIN STREET  
NEW YORK 10034

ORIGINAL FILED

ORANGE COUNTY CLERK  
FILED

88 OCT 24 PM 3:58

ROSE/RUGGERIO

MR. FENWICK: This is a request for 1.5 foot street frontage variance to construct single family residence located on east side of Jackson Avenue in R-1 zone.

Mr. Paul Ruggerio came before the Board.

MR. RUGGERIO: My problem is the town ordinance says 70 foot frontage and I have 68.9 frontage. I need like a foot and a half to make it a buildable lot for one residential home, single family.

MR. J. BABCOCK: When they made the zoning change, it was a buildable lot, it was an approved lot until--

MR. M. BABCOCK: I really don't know that. I don't know whether zoning change was made.

MR. NUGENT: Is this R-4?

MR. M. BABCOCK: No, R-1.

MR. NUGENT: That is why he needs 70 feet?

MR. M. BABCOCK: Yes.

MR. FINNEGAN: This had a perc problem or might have?

MR. M. BABCOCK: What I had told the applicant was that it would be a very good possibility that the Zoning Board of Appeals would ask that question so that if he didn't want to hire an engineer at the time of the building permit, he has to have an engineer's perc test, septic design, he also has to have that engineer inspect and certify that it's been installed according to that design so it's covered as far as that but I told him that the Board does consider that when they think about giving a variance so I told him he should either test himself or hire somebody to do some test just to get an idea. If the property doesn't perc, why should he waste his money and invest to buy it so he did do a couple locations and I guess he can tell you what he found.

MR. RUGGERIO: I did three different locations. One placed it not percing, the second location I got an inch in 15 minutes, okay, which you know regular perc standards the way it is done and the other location was 45 minutes for an inch which is still under the time.

MR. M. BABCOCK: Orange County Health Department accepts up to a 60 minute perc.



11-26-90

MR. FENWICK: I'd like to read a letter to Whom it may Concern.

"...I, Francis Rose, allow Mr. and Mrs. Paul Ruggerio to represent me in obtaining the required variance building permit on my land on Jackson Avenue in the Town of New Windsor section 57-1-36.12..."

MRS. BARNHART: For the record, we have 23 receipts on the list, 19 return receipts came in, 1 unclaimed.

MR. LUCIA: Did you bring along a copy of the deed?

MR. RUGGERIO: Yes, here's a copy of the title. On the title, there wasn't a, something wasn't done, they did an Article 15. I talked to the title investigators, people who do the titles and they checked into it and this was an Article 15 done on the property, that is why there was no--here's a tax map.

MR. LUCIA: Presumably your attorney is going to get you a title report giving you good title.

MR. RUGGERIO: This was done here to make sure title was clear.

MR. LUCIA: Beyond this, the next step is your attorney orders a title report.

MR. RUGGERIO: Yes and this is the whole thing from the attorney, it's--

MR. LUCIA: Thank you.

MR. FENWICK: Questions by the Members of the Board? Is there anyone in the public in reference to this Ruggerio/Rose? If so, please stand and give us your name and address, please.

RICHARD SCHAFFNER: My name is Richard Schaffner and I live at RD 2 Box 70, Jackson Avenue. I would like to see a copy of the site plan or site drawing, please.

MR. FENWICK: Sure, in fact it's in Mr. Tanner's hands right now.

MR. SCHAFFNER: One thing I want to look at my property adjoins this piece of property and I have a stream that crosses, I believe, from Mr. Ruggerio's property into my property and my concern is that he keeps his septic fields, he's going to place his leach fields within at least 100 feet beyond the stream. My concerns are that stream.

MR. RUGGERIO: Yes, I think the engineer, they would have to do that.

MR. SCHAFFNER: Do you have a deed or a map with metes and bounds on it.

MR. LUCIA: There is no deed with metes and bounds, just the tax deed. This doesn't give me all I need to do. I would ask you to have your attorney give me a copy of the title report.

MR. SCHAFFNER: Title survey shows the water courses.

MR. FENWICK: It's not on here.

MR. SCHAFFNER: The stream crosses right over here by the stone wall. Whoever did this survey did not do it properly. The stream has been there for the last 400 years.

MR. LUCIA: The surveyor only does what he is engaged to do.

MR. SCHAFFNER: It's supposed to show ingress and egress of the water courses showing boundaries.

MR. LUCIA: Only if he's asked, if he was only asked to do a perimeter survey and that is what he gave you, that's what he did.

MR. FENWICK: Do you have any objections to this?

MR. SCHAFFNER: As long as he stays away from the water, I have no objection. That's my only concern. Without going near the water, I don't know how he's going to do that.

MR. M. BABCOCK: The engineer that designs it has to design it on site. You cannot design it within the 100 feet depending on upstream or downstream and the elevation of the septic system in relationship to the stream. He has to do that, he has to certify that to me before he can get a building permit so that should be and if he can't do that then he will be going to Orange County Health Department. It's good that's it's brought up.

MR. SCHAFFNER: I don't see it on these papers or drawings.

MR. M. BABCOCK: He's only here tonight because insufficient road frontage.

MR. J. BABCOCK: He's looking at a foot and a half of road frontage.

MR. SCHAFFNER: I didn't know how far this was going along.

MR. J. BABCOCK: We know the piece of property, we know there is a stream in the back yards.

MR. SCHAFFNER: The stream goes right across through his property.

MR. LUCIA: Do you have any objection to the applicant's proposal for a variance for a foot and a half?

MR. SCHAFFNER: No, I have no objection for that.

JIM LULVES: My name is Jim Lulves I live on Jackson Avenue Box 72. Am I to understand that this property is now held by the Rose family and they are going to sell it to yourself?

MR. RUGGERIO: Yes.

MR. LULVES: It is going to be a single family home, occupied by yourself?

MR. RUGGERIO: Hopefully, yes.

MR. LULVES: And your wife?

MR. RUGGERIO: And my son.

MR. LULVES: Good, good, good, we need more kids in the neighborhood. I think I saw in the past when this property was for sale a map and am I to believe that the Mostouski (phonetic) driveway which exists today is part of this parcel which we are talking about?

MR. RUGGERIO: Yes, it is part of my parcel.

MR. LULVES: How is the Mostouski's going to get to their home?

MR. RUGGERIO: The same way. My lawyer is going to write up an agreement saying that they will have no problem using a driveway. It's going to be no charge for them using the driveway and I am not going to maintain their end of the driveway.

MR. LULVES: So you can progress in?

MR. RUGGERIO: They will have no problems.

MR. LULVES: You will go in the same existing entrance?

MR. RUGGERIO: And veer off. Do you have a map, here, I can show you on this map.

MR. LUCIA: Do you have any objection to this application?

MR. LULVES: No, no objection.

MR. FENWICK: Anybody else in here with reference to this?

11-26-90

MR. THOMAS CAMPBELL: My name is Thomas Campbell, 352 Bethlehem Road. I don't know why I was brought in on this because I don't think he's close to my property.

MR. FENWICK: Probably because you're within 500 feet of the boundaries of this property which runs quite a ways--

MR. LUCIA: Do you have any objection to this, Mr. Campbell?

MR. CAMPBELL: No, I don't.

MR. TORLEY: Thank you for coming.

MR. FENWICK: At this time I will close the meeting to the public and open it back to the Board members.

MR. J. BABCOCK: I will move we grant the variance.

MR. KONKOL: I will second it.

ROLL CALL:

Mr. Torley	Aye
Mr. Finnegan	Aye
Mr. J. Babcock	Aye
Mr. Konkol	Aye
Mr. Tanner	Aye
Mr. Nugent	Aye
Mr. Fenwick	Aye

6-10-91

DISCUSSION: ROSE/RUGGERIO

MR. FENWICK: We have got a couple of other things before you go. We have a letter from Rose/Ruggerio application requesting having the variance extended on Jackson Avenue. Originally, it was given to Mr. and Mrs. Ruggerio. Do we just take a vote?

MR. LUCIA: They think they are further along than than are. If you recall on this one, I forget who the principals were, Ruggerio was going to buy Roses lot and then apparently, the deal fell through. Ruggerio had made the application and this Board had voted to grant the variance subject to their providing me with the deed and title policy which they hadn't ordered because they hadn't gotten far enough along. The deal fell apart, I never got the deed and title policy. I believe this Board subsequently adopted a motion to table the matter so there never was a normal decision so I think probably we have the deed here and judgment but I would like to see a title policy, whether you just want to let them submit the paper and I'll have a decision for you to sign or you want them to come in for a new preliminary. That's up to you.

MR. FENWICK: You're saying the applicant is no longer there, the application was Rose and they are not now or the applicant was Ruggerio was the applicant but Ruggerio no longer is associated with the property. Well, as far as I'm concerned, then they don't have anything.

MR. TORLEY: Well, I don't, we gave them the variance to the property, not the person.

MR. FENWICK: That's in joint with the applicant.

MR. NUGENT: Variance holds with the property, not the person.

MR. LUCIA: It did go to the public hearing and we did vote on it. And I think there was a proxy in there by Rose originally allowing Ruggerio to represent them.

MR. KONKOL: Why don't you let it go through you.

MR. LUCIA: The only thing I'll contact Ken Johnson, usually 60 day time limit but I'll get him to waive it.

MR. NUGENT: If you're not satisfied with the information, then they don't get anything.

TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

# 90-30.

Date: 10/10/90.

I. ✓ Applicant Information:

- (a) Ronald J and Frances A Rose Rd #1 Bx 692 Campbell Hall, NY 10916 496-9022  
(Name, address and phone of Applicant) (Owner)
- (b) Paul and Serina Ruggiero Orange Lake Mbl Hm Pk Rt 52 #26 Warden, NY 12586 564-8970  
(Name, address and phone of purchaser or lessee)
- (c) Marc Kerchman 380 Broadway Newburgh, NY 12550 565-0070  
(Name, address and phone of attorney)
- (d) -  
(Name, address and phone of broker)

II. ✓ Application type:

- ☐ Use Variance ☐ Sign Variance
- ☒ Area Variance ☐ Interpretation

III. ✓ Property Information:

- (a) R-1 Jackson Avenue 57-1-36.12. 2.82 Acres  
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? None
- (c) Is a pending sale or lease subject to ZBA approval of this application? Yes
- (d) When was property purchased by present owner? \_\_\_\_\_
- (e) Has property been subdivided previously? NO When? \_\_\_\_\_
- (f) Has property been subject of variance or special permit previously? NO When? \_\_\_\_\_
- (g) Has an Order to Remedy Violation been issued against the property by the Zoning Inspector? NO
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: NO

IV. Use Variance: N/A

- (a) Use Variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_, to allow:  
(Describe proposal) \_\_\_\_\_

- (b) <sup>N/A</sup> The legal standard for a "Use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

V. ✓ Area variance:

- (a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table of Bulk-Use Regs., Col. H.

Requirements	Proposed or Available	Variance Request
Min. Lot Area	_____	_____
Min. Lot Width	_____	_____
Reqd. Front Yd.	_____	_____
Reqd. Side Yd. <u>1</u>	<u>1</u>	<u>1</u>
Reqd. Rear Yd.	_____	_____
Reqd. Street Frontage* <u>70'</u>	<u>68.65</u>	<u>1.5</u>
Max. Bldg. Hgt.	_____	_____
Min. Floor Area*	_____	_____
Dev. Coverage* <u>%</u>	<u>%</u>	<u>%</u>
Floor Area Ratio**	_____	_____

\* Residential Districts only

\*\* Non-residential districts only

- (b) The legal standard for an "AREA" variance is practical difficulty. Describe why you feel practical difficulty will result unless the area variance is granted. Also, set forth any efforts you have made to alleviate the difficulty other than this application.

The local Ordinance requirements states 70' of road frontage is required for a lot to be a buildable lot; single family residence. As it stands now, the lot is not practical w/o the street frontage and cannot be built on as such.

\_\_\_\_\_

\_\_\_\_\_

VI. Sign Variance: <sup>N/A</sup>

- (a) Variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_.

	Requirements	Proposed or Available	Variance Request
Sign 1	_____	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign 4	_____	_____	_____
Sign 5	_____	_____	_____
Total	_____ sq.ft.	_____ sq.ft.	_____ sq.ft.

- (b) <sup>N/A.</sup> Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversize signs.

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- (c) <sup>N/A.</sup> What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

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VII. Interpretation: <sup>N/A.</sup>

- (a) Interpretation requested of New Windsor Zoning Local Law, Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_.

- (b) Describe in detail the proposal before the Board:

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VIII. <sup>✓</sup>Additional comments:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

Our intent is to build a single family home which will uphold the existing property values of the area. Beautiful country setting is the goal we intend to reach.

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IX. <sup>✓</sup>Attachments required:

- ☒ Copy of letter of referral from Bldg./Zoning Inspector.
- ☒ Copy of tax map showing adjacent properties.
- ☒ Copy of contract of sale, lease or franchise agreement.
- ☒ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot.
- ☒ <sup>N/A.</sup> Copy(ies) of sign(s) with dimensions.
- ☒ Check in the amount of \$ 25.00 payable to TOWN OF NEW WINDSOR.
- ☒ Photos of existing premises which show all present signs and landscaping.



X. AFFIDAVIT

Date 10/10/90

STATE OF NEW YORK )  
COUNTY OF ORANGE ) SS.:

The undersigned Applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his knowledge or to the best of his information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance or permit granted if the conditions or situation presented herein are materially changed.

K. J. Ruggiero  
(Applicant)

Sworn to before me this

10th day of Oct., 1990.

Patricia A. Barnhart

XI. ZBA Action:

PATRICIA A. BARNHART  
Notary Public, State of New York  
No. 01BA4904434  
Qualified in Orange County  
Commission Expires August 31, 1991.

- (a) Public Hearing date \_\_\_\_\_.
- (b) Variance is \_\_\_\_\_.
- Special Permit is \_\_\_\_\_.
- (c) Conditions and safeguards: \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

A FORMAL DECISION WILL FOLLOW  
WHICH WILL BE ADOPTED BY  
RESOLUTION OF ZONING BOARD OF APPEALS.



1763

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK

(53)

19-rec'd.  
1 unclaimed

October 2, 1990

Serina Ruggiero  
Orange Lake Mobil Home Park  
Route 52 #26  
Walden, NY 12586

RE: Tax Map Parcel #57-1-36.12

Dear Mrs. Ruggiero:

According to our records, the attached list of property owners are within five hundred (500) feet of the above mentioned property.

The charge for this service is \$45.00, minus your deposit of \$25.00.

Please remit the balance of \$20.00 to the Town Clerk, Town of New Windsor, NY.

Sincerely,

*L. Cook*

LESLIE COOK  
Sole Assessor

LC/cad  
Attachments  
cc: Patricia Barnhart

Etruscan Enterprises Inc.  
c/o Meadowbrook Lodge  
RD 2, Route 94  
New Windsor NY 12553

Sawyer, Marjorie  
Route 2 Bethlehem Road  
New Windsor, NY 12553

Benjamin, Fred & Nadine  
RD 2 Bethlehem Road  
Box 348  
New Windsor, NY 12553

Mason, Eric & Myra  
112 Mt. Airy Road  
New Windsor, NY 12553

Gulak, Andrew J. & Linda S  
RD 2 Bethlehem Road  
New Windsor, NY 12553

Sinclair, Jean  
RD 2 Bethlehem Road  
New Windsor, NY 12553

Brandel, William & Amanda  
RD 2 Bethlehem Road  
New Windsor, NY 12553

Schaffer, Susan  
RD 2 Box 355 Bethlehem Road  
New Windsor, NY 12553

Campbell, Thomas S.  
Bethlehem Road  
New Windsor, NY 12553

Potter, Joel E. & Carol  
PO Box 4161  
New Windsor, NY 12553

Larson, Waldemar E. & Betty Jane  
RD 2 Jackson Ave  
New Windsor, NY 12553

Grant, John F. & Louisa C.  
RD 2 Bethlehem Rd.  
New Windsor, NY 12553

Hunter, John A. & Patti Ann  
RD 2 Jackson Ave  
New Windsor, NY 12553

Lulves, James F. & Mary Alice  
RD 2 Jackson Ave., Box 72  
New Windsor, NY 12553

Zamlott, Michael S. & Lisa A.  
RD 2 Jackson Ave.  
New Windsor, NY 12553

Panico, Elizabeth M. & Frank  
RD 2 Jackson Ave.  
New Windsor, NY 12553

Rieb, Walter A. & Mildred C.  
RD 2 Jackson Ave.  
New Windsor, NY 12553

Mastowski, John J. & Alice M.  
Route 208 Stonehedge Farms  
Washingtonville, NY 10992

Roscino, Joseph D. & Elizabeth M.  
2 Rose Hill Park  
Cornwall, NY 12518

Papageorge, George & Michele  
19 Eisenhower Dr.  
Cornwall, NY 12518

Schaffner, Richard & Anita  
RD 2 Box 70 Jackson Ave.  
New Windsor, NY 12553

Shearer, Suzanne  
PO Box 83  
Ship Bottom, NJ 08008

Pena, Alice M.  
136 Jackson Ave. RD 2  
New Windsor, NY 12553

11/26/90 Public Hearing - Rose/Ruggiero # 90 -

Name:

Address:

RICHARD SCHAFFNER

RD 2 BOX 70 JACKSON AVE.

JAMES LULVES

RD 2 BOX 72 JACKSON AVE

THOMAS S. CAMPBELL RD 2 BOX 352 BOTHELLMAN ROAD



# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK

*Prelim.*  
*Sept. 24th.*  
*90-30*

1763

## NOTICE OF DISAPPROVAL OF BUILDING PERMIT

FILE NUMBER

90-26

TO:

PAUL RUGGIERO - Savina

ORANGE LAKE MOBILE PARK #26

WALDEN, NY. 12586

PHONE 564-8970

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED SEPT. 5, 1990

FOR PERMIT TO CREATE buildable Lot.

AT JACKSON AVE. IS DISSAPROVED ON THE

FOLLOWING GROUNDS INSUFFICIENT STREET FRONTAGE

ZONE R-1

TYPE OF VARIANCE STREET FRONTAGE

REQUIREMENTS

PROPOSED

VARIANCE

70'

68.5'

1.5'

CALL PAT BARNHART (ZBA SECRETARY) AT 565-8550 FOR APPOINTMENT

Steve J. Scamanna

BUILDING/ZONING INSPECTOR

**IMPORTANT**  
**REQUIRED INSPECTIONS OF CONSTRUCTION - YOU MUST CALL FOR THESE**

OTHER INSPECTIONS WILL BE MADE IN MOST CASES, BUT THOSE LISTED BELOW MUST BE MADE OR CERTIFICATE OF OCCUPANCY MAY BE WITHHELD. DO NOT MISTAKE AN UNSCHEDULED INSPECTION FOR ONE OF THOSE LISTED BELOW. UNLESS AN INSPECTION REPORT IS LEFT ON THE JOB INDICATING APPROVAL OF ONE OF THESE INSPECTIONS, IT HAS NOT BEEN APPROVED, AND IT IS IMPROPER TO CONTINUE BEYOND THAT POINT IN THE WORK. ANY DISAPPROVED WORK MUST BE REINSPECTED AFTER CORRECTION.

CALL ONE DAY AHEAD FOR ALL INSPECTIONS TO AVOID DELAYS - 565-8807

- 1- WHEN EXCAVATING IS COMPLETE AND FOOTING FORMS ARE IN PLACE (BEFORE POURING).
- 2- FOUNDATION INSPECTION - CHECK HERE FOR WATERPROOFING AND FOOTING DRAINS.
- 3- INSPECT GRAVEL BASE UNDER CONCRETE FLOORS, AND UNDERSLAB PLUMBING.
- 4- WHEN FRAMING IS COMPLETED, AND BEFORE IT IS COVERED FROM INSIDE, AND PLUMBING ROUGH-IN.
- 5- INSULATION.
- 6- PLUMBING FINAL & FINAL. HAVE ON HAND ELECTRICAL INSPECTION DATA PER THE BOARD OF FIRE UNDERWRITERS, AND FINAL CERTIFIED PLOT PLAN. BUILDING IS TO BE COMPLETE AT THIS TIME. WELL WATER TEST REQUIRED AND ENGINEERS CERTIFICATION LETTER FOR SEPTIC SYSTEM REQUIRED.
- 7- DRIVEWAY INSPECTION MUST MEET APPROVAL OF TOWN HIGHWAY INSPECTOR. A DRIVEWAY BOND MAY BE REQUIRED.
- 8- \$20.00 CHARGE FOR ANY SITE THAT CALLS FOR THE SAME INSPECTION TWICE.
- 9- PERMIT NUMBER MUST BE CALLED IN WITH EACH INSPECTION.
- 10- THERE WILL BE NO INSPECTIONS UNLESS YELLOW PERMIT CARD IS POSTED.
- 11- SEWER PERMITS MUST BE OBTAINED ALONG WITH BUILDING PERMITS FOR NEW HOUSES.
- 12- SEPTIC PERMIT MUST BE SUBMITTED WITH ENGINEER'S DRAWING & PERC TEST.
- 13- ROAD OPENING PERMITS MUST BE OBTAINED FROM TOWN CLERK'S OFFICE.
- 14- ALL BUILDING PERMITS WILL NEED A CERTIFICATE OF OCCUPANCY OR A CERTIFICATE OF COMPLIANCE AND THERE IS A \$15.00 FEE FOR THIS.

Name of Owner of Premises..... Paul Ruggiero  
Address..... ORANGE Lake mobile Rt 426 WALDEN Phone..... 564-8970  
Name of Architect..... 1-2-586  
Address..... Phone.....  
Name of Contractor.....  
Address..... Phone.....  
State whether applicant is owner, lessee, agent, architect, engineer or builder..... Agent  
If applicant is a corporation, signature of duly authorized officer.

.....  
(Name and title of corporate officer)

1. On what street is property located? On the EAST side of JACKSON AVE.  
(N.S.E. or W.)  
and 570 feet from the intersection of JACKSON AVE. AND Bethlehem Rd.

APPROVAL OF ONE OF THESE INSPECTIONS, IT HAS NOT BEEN APPROVED, AND IT IS IMPROPER TO CONTINUE BEYOND THAT POINT IN THE WORK. ANY DISAPPROVED WORK MUST BE REINSPECTED AFTER CORRECTION.

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- 5- INSULATION.
- 6- PLUMBING FINAL & FINAL. HAVE ON HAND ELECTRICAL INSPECTION DATA PER THE BOARD OF FIRE UNDERWRITERS, AND FINAL CERTIFIED LOT PLAN. BUILDING IS TO BE COMPLETE AT THIS TIME. WELL WATER TEST REQUIRED AND ENGINEERS CERTIFICATION LETTER FOR SEPTIC SYSTEM REQUIRED.
- 7- DRIVEWAY INSPECTION MUST MEET APPROVAL OF TOWN HIGHWAY INSPECTOR. A DRIVEWAY BOND MAY BE REQUIRED.
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- 10- THERE WILL BE NO INSPECTIONS UNLESS YELLOW PERMIT CARD IS POSTED.
- 11- SEWER PERMITS MUST BE OBTAINED ALONG WITH BUILDING PERMITS FOR NEW HOUSES.
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- 14- ALL BUILDING PERMITS WILL NEED A CERTIFICATE OF OCCUPANCY OR A CERTIFICATE OF COMPLIANCE AND THERE IS A \$15.00 FEE FOR THIS.

Name of Owner of Premises Paul Ruggiero  
Address Orange Lake mobile pk #24 Wilson Phone 564-8970  
Name of Architect 12586  
Address \_\_\_\_\_ Phone \_\_\_\_\_  
Name of Contractor \_\_\_\_\_  
Address \_\_\_\_\_ Phone \_\_\_\_\_  
State whether applicant is owner, lessee, agent, architect, engineer or builder Agent  
If applicant is a corporation, signature of duly authorized officer.

(Name and title of corporate officer)

1. On what street is property located? On the EAST side of JACKSON AVE.  
(N.E. or W.)  
and 570 feet from the intersection of JACKSON AVE AND Bethlehem Rd
2. Zone or use district in which premises are situated. Is property in a flood zone? Yes \_\_\_\_\_ No ✓
3. Tax Map description of property: Section 57 Block 1 Lot 36.12
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction:  
a. Existing use and occupancy Agent / NONE b. Intended use and occupancy Residence / Single Family
5. Nature of work (check which applicable): New Building ✓ Addition \_\_\_\_\_ Alteration \_\_\_\_\_ Repair \_\_\_\_\_  
Removal \_\_\_\_\_ Demolition \_\_\_\_\_ Other \_\_\_\_\_
6. Size of lot: Front Rear 68.65 Depth 57.58 Front Yard \_\_\_\_\_ Rear Yard 371.67 Side Yard 230.15  
Is this a corner lot? NO
7. Dimensions of entire new construction: Front 40' Rear 40' Depth 30' Height 24' Number of stories 2
8. If dwelling, number of dwelling units \_\_\_\_\_ Number of dwelling units on each floor \_\_\_\_\_  
Number of bedrooms 3 Baths 2 Toilets 2  
Heating Plant: Gas \_\_\_\_\_ Oil ✓ Electric/Hot Air \_\_\_\_\_ Hot Water \_\_\_\_\_  
If Garage, number of cars 2
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use \_\_\_\_\_
10. Estimated cost \_\_\_\_\_ Fee \_\_\_\_\_

(to be paid on filing this application)

Costs for the work described in the Application for Building Permit include the cost of all the construction and other work done in connection therewith, exclusive of the cost of the land. If final cost shall exceed estimated cost, an additional fee may be required before the issuance of Certificate of Occupancy.



TOWN OF NEW WINDSOR, ORANGE COUNTY, N. Y.

Examined.....19.....  
Approved.....19.....  
Disapproved a/c.....  
Permit No. ....

Office Of Building Inspector  
Michael L. Babcock  
Town Hall, 555 Union Avenue  
New Windsor, New York 12550  
Telephone 565-8807

Refer —  
Planning Board.....  
Highway.....  
Sewer .....  
Water .....  
Zoning Board of Appeals .....

APPLICATION FOR BUILDING PERMIT

Pursuant to New York State Building Code and Town Ordinances

Date. SEPT. 5 1990

INSTRUCTIONS

- a. This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- b. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram which is part of this application.
- c. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- d. The work covered by this application may not be commenced before the issuance of a Building Permit.
- e. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- f. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions or alterations, or for removal or demolition or use of property, as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

Paul J. Ruggieri  
(Signature of Applicant)

Orange Lake mobile Park #26 Rt 52 WALD  
New York Address of Applicant 12586

PLOT PLAN

NOTE: Locate all buildings and indicate all set-back dimensions.  
Applicant must indicate the building line or lines clearly and distinctly on the drawings.



Refer —  
 Planning Board.....  
 Highway.....  
 Sewer.....  
 Water.....  
 Zoning Board of Appeals .....

# APPLICATION FOR BUILDING PERMIT

Pursuant to New York State Building Code and Town Ordinances

Date SEPT. 5 1990

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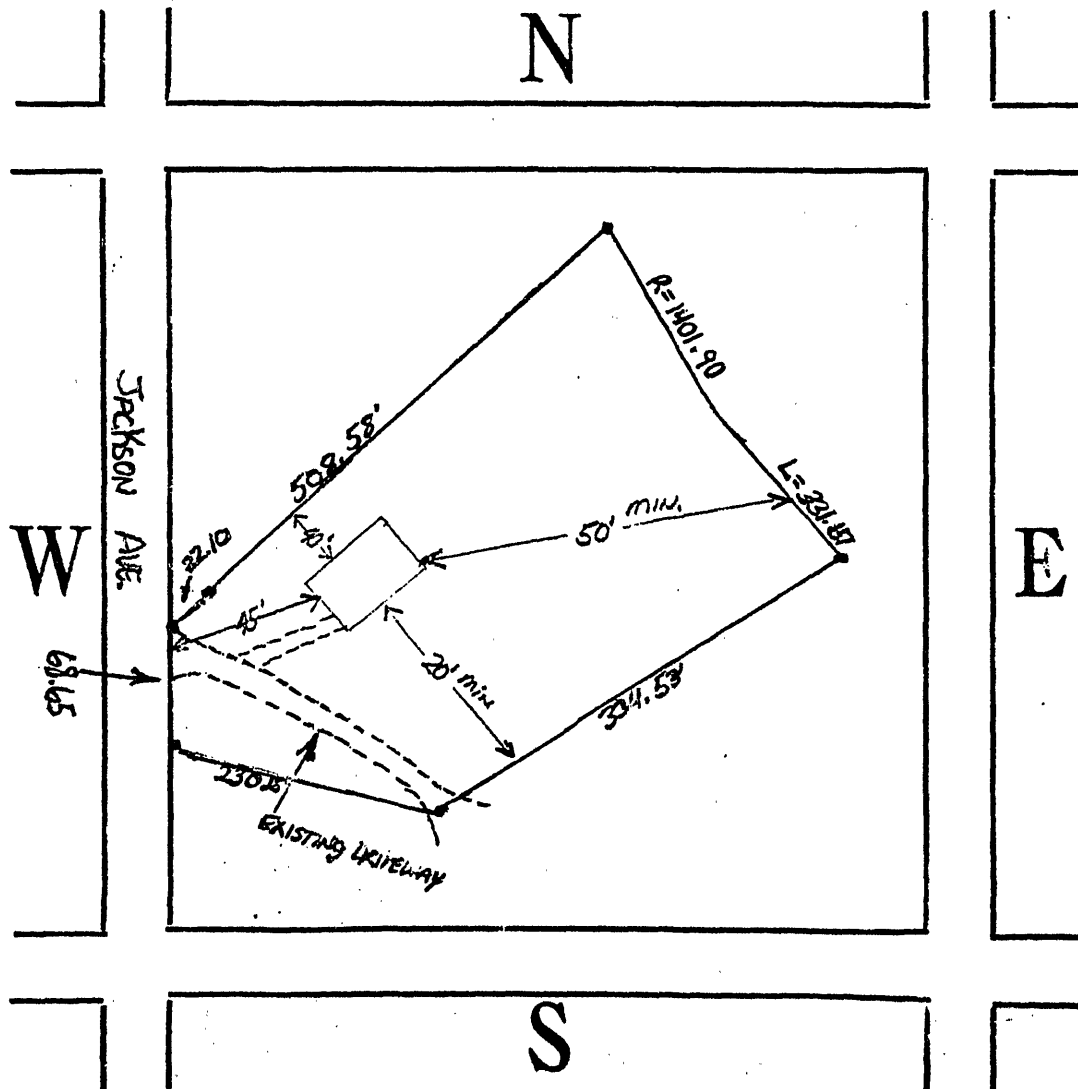
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*Paul S. Luggen*  
 (Signature of Applicant)

*Orange Lake Mobile Park #36 RT52 WAUX*  
 New York (Address of Applicant) 12586

## PLOT PLAN

NOTE: Locate all buildings and indicate all set-back dimensions.  
 Applicant must indicate the building line or lines clearly and distinctly on the drawings.



PUBLIC NOTICE OF HEARING BEFORE  
ZONING BOARD OF APPEALS  
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals  
of the TOWN OF NEW WINDSOR, New York will hold a  
Public Hearing pursuant to Section 48-34A of the  
Zoning Local Law on the following proposition:

Appeal No. 80

Request of Ronald J. Rose, Frances A. Rose, Paul Ruggiero &  
Serina Ruggiero  
for a VARIANCE of

the regulations of the Zoning Local Law to  
permit construction of single-family residence  
with insufficient street frontage;  
being a VARIANCE of

Section 48-12 Table of Use/Bulk Regs. - Col. H  
for property situated as follows:

East side of Jackson Avenue, in the Town  
of New Windsor, known & designated as  
Tax map Sec. 57-BK.1 - Lot 36.12.

SAID HEARING will take place on the 26<sup>th</sup> day of  
November, 1990, at the New Windsor Town Hall,  
555 Union Avenue, New Windsor, N. Y. beginning at  
7:30 o'clock P. M.

Richard Jennick  
Chairman

RUGGIERO, PAUL

MR. FENWICK: This is a request for 1.5 foot street frontage to create buildable lot on Jackson Avenue in R-1 zone.

Mr. Paul Ruggiero came before the Board representing this proposal.

MR. RUGGIERO: I need a 50.8 inches to make a buildable lot on Jackson Avenue. It is right, you know, 68.8 and I need 70 foot to get a buildable lot is what I am looking for.

MR. FENWICK: As of right now, what I am looking at here do you not own this property?

MR. RUGGIERO: No, I don't.

MR. FENWICK: Are you in contract to buy this property?

MR. RUGGIERO: Yes, I am.

MR. FENWICK: I have a letter to whom it may concern. I, Francés Rose, allow Mr. and Mrs. Paul Ruggiero to represent me in obtaining the requirements, various building permits etc. on my land on Jackson Avenue in the Town of New Windsor. Signed Mrs. F. Rose.

MR. J. BABCOCK: Is this one of those, is it a subdivision or was it a minor subdivision out there?

MR. M. BABCOCK: No, actually I am not sure when the lot was created. I am not sure whether it was created when the road was built or whether it was subdivided. I really can't tell. There's no maps on file. There's nothing on file to tell me when this lot was created whatsoever.

MR. J. BABCOCK: No water but sewage?

MR. M. BABCOCK: No sewer or water.

MR. FENWICK: It's a big lot, the frontage is what is on the road.

MR. M. BABCOCK: From Mt. Airy Road out there is no sewer or water.

MR. KONKOL: Does Mrs. Rose own any property on either side?

MR. RUGGIERO: No, that is the only piece of property she owns.

MR. J. BABCOCK: I move we set him up for a public hearing.

MR. KONKOL: I will second that.

MR. M. BABCOCK: It's 2.6 acres according to the map.

MR. FENWICK: You are planning on building on it?

MR. RUGGIERO: Yes, I am, one family dwelling.

MR. J. BABCOCK: Be careful where you locate the house on the lot.

MR. TORLEY: Make sure that your builder measures precisely.

MR. RUGGIERO: What I am trying to do is establish if it is a buildable lot before I purchase it and I will be stuck with it. I don't see why they divided it like that, really.

ROLL CALL:

Mr. Torley	Aye
Mr. Nugent	Aye
Mr. J. Babcock	Aye
Mr. Konkol	Aye
Mr. Fenwick	Aye

MR. FENWICK: We'd like some photographs of the property.

MR. LUCIA: Also speak to Mrs. Rose, I'd like to see a copy of the deed or a title policy.

MR. FENWICK: Are there houses on both sides of that property now?

MR. RUGGIERO: No, actually the driveway that is, okay, there is one, the driveway that will be, I can show you this driveway here has a house up in here and there is nothing here and across the street there is just fields, corn fields.

MR. FENWICK: This is a right-of-way across your property?

MR. RUGGIERO: Yes, for another house which was established in the '30's or '40's and I already spoke with the people up there and there is no problem there. My lawyer is going to write something up to make sure to that end.

MR. TORLEY: Make sure the easement shows up.

MR. RUGGIERO: I went to Goshen.

MR. J. BABCOCK: We should see a deed so we see if that is in the title.

MR. LUCIA: When you come back, the legal standard that this Board has to find in order to grant your variance is something that is called practical difficulty. You should come back to speak to the issue of practical difficulty since this is a vacant lot with deficient frontage, you have to talk about significant economic injury in terms of what the value on the lot is right now compared to what the value of the land would be if it were an approved building lot.

MR. FENWICK: The problem is I know you are representing her if she's not in a hurry--

MR. RUGGIERO: Her husband is down in Georgia living and the price I am paying for the property is really low and she is, she actually, she wants to get rid of it but she doesn't want to have any of the responsibilities on anything, any of these things, that is why I am getting it for a really cheap price.

MR. KONKOL: How long has she owned the property?

MR. RUGGIERO: Since '82, from the records and she has title cleared because she bought it on a tax thing and I went to Goshen and checked it all out, it's been cleared and what I did was I went to Goshen and they already cleared the title and I made sure, I checked into that and my lawyer went, it has a clear title is what it does have.

MR. FENWICK: Are you a builder?

MR. RUGGIERO: No, this is all new to me, believe me.

MR. LUCIA: Given that fact, bring in the copy of Mrs. Rose's deed and your own title report.

MR. RUGGIERO: What I have to get, send any certified letters?

MR. FENWICK: It's all in there.

MR. RUGGIERO: Okay.

MR. TORLEY: One thing you might want to be able to speak to sometimes lots get taken for taxes because it's been previously established they weren't buildable for one reason or another and were abandoned.

MR. FENWICK: One of the big things you may wind up doing a perc test and this property doesn't pass so you may have gone through this for nothing. I am not trying to talk you out of it but there may be more to this than meets the eye.

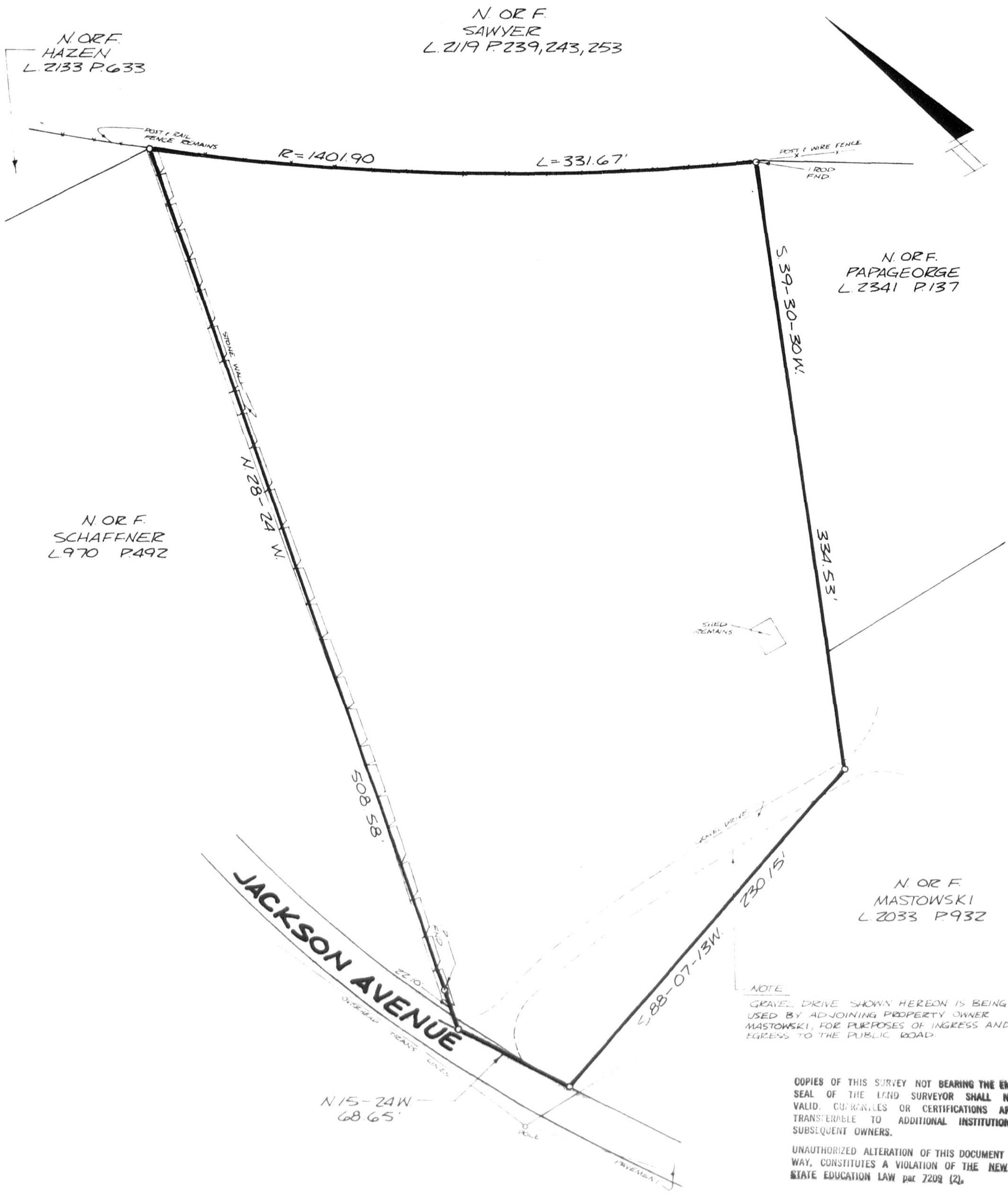
MR. RUGGIERO: If it doesn't pass the perc test--

MR. TORELY: You can't build.

MR. FENWICK: There is other systems but I am trying to find out why a piece of property this size on Jackson Avenue hasn't sold and it went for taxes before but that is--

MR. RUGGIERO: I did a couple perc tests myself and some of the area you can't get a perc and some area you got an inch in 15 minutes. That is my perc test.

MR. FENWICK: Okay, thank you.



NOTE  
GRAVEL DRIVE SHOWN HEREON IS BEING  
USED BY ADJOINING PROPERTY OWNER  
MASTOWSKI, FOR PURPOSES OF INGRESS AND  
EGRESS TO THE PUBLIC ROAD.

COPIES OF THIS SURVEY NOT BEARING THE EMBOSSED  
SEAL OF THE LAND SURVEYOR SHALL NOT BE  
VALID. COPIES OR CERTIFICATIONS ARE NOT  
TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR  
SUBSEQUENT OWNERS.

UNAUTHORIZED ALTERATION OF THIS DOCUMENT IN ANY  
WAY, CONSTITUTES A VIOLATION OF THE NEW YORK  
STATE EDUCATION LAW par 2209 (2).

SURVEY OF PROPERTY FOR  
**RONALD J. & FRANCES A. ROSE**  
TOWN OF NEW WINDSOR      ORANGE COUNTY, N.Y.  
SCALE 1"=50'      JULY 14, 1988 AREA = 282 ACRES

REF. DEED OF RECORD L 2645 P. 116 TAX MAP SEC 57-1-36.12

CERTIFIED TO:  
RONALD J AND FRANCES A ROSE, TO BE CORRECT AND ACCURATE

- NOTE
- 1 SUBJECT TO EASEMENTS AND ROWS OF RECORD AND UNDERGROUND UTILITIES, IF ANY
  - 2 SUBJECT TO THE RIGHTS OF THE PUBLIC IN AND TO SUCH PORTIONS OF THE LANDS THAT MAY LIE WITHIN THE BOUNDS OF JACKSON AVE



EDWARD T. ZABACK D.L.S.  
LIC. LAND SURVEYOR #049161  
GOSHEN, N.Y.

PR8881